

NOT FOR PUBLICATION

CLOSED

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DESMOND WITHERSPOON,

Plaintiff,

v.

THE CUTTING ROOM,

Defendant.

Civil Action No. 15-0262 (SRC)

OPINION

CHESLER, District Judge

This matter comes before the Court on the application filed by Plaintiff Desmond Witherspoon to proceed in forma pauperis without fees under 28 U.S.C. § 1915. The Court finds that Plaintiff qualifies for in forma pauperis status, yet his Complaint will be dismissed. The Court must examine Plaintiff's claim and dismiss it if frivolous or legally insufficient. 28 U.S.C. § 1915(e)(2). Here, Plaintiff filed a "Proposal" or "Motion." Construing the document as a Complaint, Plaintiff demands from The Cutting Room in New York, NY, a reorganization plan with Plaintiff as executive engineer. He asserts the "Offense" took place on December 18, 2014, but does not state the offense, or anything other than "Means: Email." As such, Plaintiff fails to state a basis for federal subject matter jurisdiction, and to state a facially plausible claim for relief. For the reasons provided in the Opinion for Civil Action No. 14-6296, Plaintiff is on notice that he may be sanctioned if he continues to file unsubstantiated and repetitive lawsuits. An appropriate Order will be filed.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge

Dated: January 21, 2015